

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re: : Chapter 13
Claire Marie Toland, :
Debtor. : Bankruptcy No. 19-10369-MDC

O R D E R

AND NOW, pursuant to the Application for Compensation and Reimbursement of Expenses (the “Application”)¹ filed by Andrew V. Guilfoil (the “Applicant”), counsel to Claire Marie Toland (the “Debtor”), the Applicant requests the allowance of compensation in the amount of \$7,040.00 and the reimbursement of expenses in the amount \$403.00.

AND, the Applicant was previously paid \$2,500.00 by the Debtor (the “Pre-Paid Amount”).

AND, after accounting for the Pre-Paid Amount, the Application seeks the payment of \$4,943.00 for the balance of fees and expenses sought (the “Remaining Balance”).

AND, this Court entered an Order dated February 18, 2020 (the “Confirmation Order”),² confirming the Debtor’s First Amended Chapter 13 Plan (the “Plan”).³

AND, the Plan provides that the Applicant will be paid \$3,000.00 as an administrative expense, which when added to the Pre-Paid Amount will result in a total payment to the Applicant in the amount of \$5,500.00. Plan, §§ 2(e), 3(a).

AND, the Plan does not provide for payment of costs to the Applicant. Plan, §2(e).

¹ Bankr. Docket No. 88.

² Bankr. Docket No. 84.

³ Bankr. Docket No. 48.

AND, the Applicant filed a certification that proper service has been made on all interested parties.

AND, the Applicant filed a certification of no response.

AND, the Court of Appeals has held that the bankruptcy court “has a duty to review fee applications, notwithstanding the absence of objections by the United States Trustee . . . , creditors, or any other interested party, a duty which . . . derives from the court’s inherent obligation to monitor the debtor’s estate and to serve the public interest.” *In re Busy Beaver Bldg. Centers, Inc.*, 19 F.3d 833, 841 (3d Cir. 1994) (emphasis in original).

AND, a confirmation order precludes the relitigation of any issues that were determined by the confirmation order. *In re Szostek*, 886 F.2d 1405, 1408-09 (3d Cir. 1989); *In re McDuffie*, Bky. No. 03-65333, 2005 WL 3108234, *1 (Bankr. D. Md. Feb. 22, 2005) (“since no amendment to the plan was filed to increase the specific amount to be paid to counsel, the court cannot order payment through the plan as an administrative expense.”); *In re Lasica*, 294 B.R. 718, 722 (Bankr. N.D. Ill. 2003) (denying fee request because applicant was bound by terms of previously confirmed Chapter 13 plan); *In re Young*, 285 B.R. 168, 174-75 (Bankr. D. Md. 2002) (“the confirmation of the plan, in which a specific amount of disbursement to counsel for the debtor as attorney’s fees was required, acted as a final adjudication of the matters set forth in the plan.”).

It is hereby **ORDERED** that:

1. The Application is **GRANTED IN PART** and **DENIED IN PART**.
2. Consistent with the Confirmation Order, compensation is allowed in favor of the Applicant in the total amount of \$5,500.00 (the “Allowed Compensation”). *See L.B.R. 2016-1(f)* (governing procedure for disposition of fee applications without a hearing). The balance of the

compensation and expenses sought, in the amount of \$1,943.00, are disallowed as inconsistent with the terms of the Plan.

3. The Trustee is authorized to distribute to the Applicant the Allowed Compensation less the Pre-Paid Amount as an administrative expense pursuant to 11 U.S.C. §§330, 331, 503(b).

Dated: October 27, 2020

Magdelene D. Coleman

MAGDELINE D. COLEMAN
CHIEF U.S. BANKRUPTCY JUDGE

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